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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,417	10/15/2003	Dong-Soo Nam	102-1001	4388
38209	7590	01/03/2007	EXAMINER	
STANZIONE & KIM, LLP 919 18TH STREET, N.W. SUITE 440 WASHINGTON, DC 20006			MORRISON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3653	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/03/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/684,417	NAM, DONG-SOO
Examiner	Art Unit	
Thomas A. Morrison	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 October 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-25 is/are allowed.

6)  Claim(s) 26 and 27 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## DETAILED ACTION

### ***Claim Objections***

1. Claim 26 is objected to because of the following informalities: (1) claim 26 would be easier to understand if amended to recite a plurality of adjustable elastic members arranged along lengths of the supporting plate and the supporting bracket and located therebetween. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,265,869 (Morita).

Regarding claim 26, Figs. 1-2B show a paper-discharging apparatus to discharge paper from an image forming device having paper-discharging rollers, comprising:

a supporting plate (5) positioned at a paper-discharging port side of the image forming device;  
a supporting bracket (including 7) including idle rollers (9) facing the paper-discharging rollers (8) and being coupled (via 15) to the supporting plate (5); and  
a plurality of adjustable elastic members (13 and 13) arranged along lengths of the supporting plate (5) and the supporting bracket (including 7) therebetween.

Regarding claim 27, Figs. 1-2B show a paper-discharging apparatus to discharge paper from an image forming device having paper-discharging rollers, comprising:

a supporting plate (5) positioned at a paper-discharging port side of the image forming device;

a supporting bracket (including 7) including idle rollers (9) facing the paper-discharging rollers (8) and being coupled (via 15) to the supporting plate (5); and

a plurality of adjustable elastic members (13 and 13) arranged at a plurality of intervals between the supporting plate (5) and the supporting bracket (including 7) to bias the supporting plate (5) and the supporting bracket (including 7) apart. In as much as the instant application discloses a plurality of adjustable elastic members arranged at a plurality of intervals between the supporting plate and the supporting bracket to bias the supporting plate and the supporting bracket apart, so does Fig. 1 of Morita. See e.g., the positions of the two elastic members in Fig. 5 of the instant application and the positions of the two elastic members (13) in Fig. 1 of Morita.

#### ***Response to Arguments***

3. Applicant's arguments filed 10/12/2006 have been fully considered but they are not persuasive. Applicant argues

1. The Examiner is importing the language "portions of lengths" into independent claim 26

At page 3 of the Office Action of July 14, 2006, the Examiner alleges that: "the guide plate 5 includes the flange portions 5a and 5b, as well as, guide pieces 5c and 5d...In other words, these are all portions of the same guide plate 5...Moreover, the elastic member 13 located near element has a diameter that is arranged **along a first portion (i.e., a length)**...while the elastic member 13 located near element 26 has a diameter that is arranged **along a second portion (i.e., a length)**..." (Emphasis Added)

Thus, the Examiner is apparently equating "portions" of Morita's second guide plate 5 shown in FIG. 1 with a "length" of the second guide plate 5. In particular, the Examiner describes Morita's elastic members 13 as being arranged along "a first portion" and "a second portion," and then concludes that this meets Applicant's independent claim 26. Furthermore, the Examiner reads independent claim 26 as though it recited "elastic members arranged along **portions** of lengths of the supporting plate and the supporting bracket."

However, Applicant respectfully notes that, contrary to the Examiner's interpretation of independent claim 26, independent claim 26 **does not recite** "elastic members arranged along **portions of** lengths of the supporting plate and the supporting bracket." In fact, the word "portion" does not appear anywhere in independent claim 26. In other words, the Examiner is attempting to import the word "portion" into independent claim 26 (where it clearly does not belong) in an effort to stretch Morita to read on Applicant's invention. Therefore, the Examiner has not addressed the features as **actually** recited in Applicant's independent claim 26, namely, "elastic members arranged along lengths of the supporting plate and the supporting bracket." Accordingly, the Examiner's rejection is improper and must be withdrawn.

2. The ordinary meaning of "along" does not read on Morita's device  
As set forth above, the Examiner is attempting to equate Morita's elastic members 13 which are disposed at outside ends of Morita's guide plate 5 with Applicant's "elastic members arranged along lengths of the supporting plate and the supporting bracket," as recited in independent claim 26. However, Applicant submits that Morita's elastic members 13 are not arranged "along" Morita's guide plate 5 in any sense of the word "along." The first definition of "along" in the *American Heritage College Dictionary* recites "over the length of," while the second definition of "along" in the same dictionary recites "on a line or course parallel and close to; continuously beside." See *American Heritage College Dictionary* 39 (4th ed. 2002). Applicant submits that neither one of these ordinary meaning definitions of "along" can be used to describe the elastic members 13 shown in FIG. 1 of Morita in relation to the second guide plate 5 and the support plate 7. In other words, it would be technically improper to describe the device shown in Morita as having either:

- (1) "elastic members arranged over the length of (i.e., along) the supporting plate and the supporting bracket" (first definition); or
- (2) "elastic members arranged on a line or course parallel and close to (i.e., along) the supporting plate and the supporting bracket" (second definition).

Thus, it is clear that neither one of these ordinary meanings of the term "along" can be used to describe Morita's elastic members 13. Since the ordinary meaning of the term "along" does not read on Morita's elastic

members 13, Morita fails to disclose, among other things, "elastic members arranged along lengths of the supporting plate and the supporting bracket," as recited in independent claim 26 of Applicant's invention.

Since (1) the Examiner has not addressed the language of independent claim 26 as *actually* recited therein and (2) the Examiner is using the word "along" in a manner that is repugnant to its well known ordinary meaning, Morita cannot anticipate independent claim 26 of Applicant's invention.

In response the first part of applicant's argument, the examiner is not importing any language into claim 26 of the instant application. Rather, the examiner tried to explain how the prior art Morita patent was interpreted to read on claim 26 as actually claimed in the instant application.

In response to the second part of applicant's arguments, it is noted that the supporting plate (5) of the Morita patent includes all portions of such supporting plate including 5a, 5b, 5c and 5d, as shown in Fig. 1 of Morita. The supporting bracket of Morita is labeled with reference numeral 7. With this in mind, in as much as Figs. 4 and 5 of the instant application show "a plurality of adjustable elastic members arranged along lengths of the supporting plate and the supporting bracket therebetween", so does Fig. 1 of U.S. Patent No. 5,265,869 (Morita). Fig. 1 of Morita shows a plurality of adjustable elastic members (13 and 13) arranged along lengths of the supporting plate (5) and the supporting bracket (including 7) therebetween. As mentioned above, supporting plate (5) of the Morita patent includes 5a, 5b, 5c and 5d, and the supporting bracket is labeled with reference numeral 7. With this in mind, Fig. 1 of Morita discloses "a plurality of adjustable elastic members arranged along lengths of the supporting plate and the supporting bracket therebetween", whether (1) you interpret "lengths" as set

forth in the Office Action of 7/14/2006 or (2) you interpret "lengths" to mean the overall length of the supporting plate (5) and the overall length of the supporting bracket (7). In either case, Fig. 1 of Morita shows "a plurality of adjustable elastic members arranged along lengths of the supporting plate and the supporting bracket therebetween".

***Allowable Subject Matter***

4. Claims 1-25 are allowed.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12/23/2006



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